



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/669,369

09/25/2003

Horst Schnoerer

11884-406801

3373

53000

7590

03/17/2008

KENYON & KENYON LLP
1500 K STREET N.W.
WASHINGTON, DC 20005

EXAMINER

SHUMATE, PAUL W

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,369	Applicant(s) SCHNOERER ET AL.	
	Examiner PAUL SHUMATE	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on 12/26/2007.
2. Applicant's election with traverse of claims 5-9 and 15-17 (Group II), withdrawal of claims 10-14 (Group III), and addition of new claims 18-22 is acknowledged.
3. Claims 5-9 and 15-22 have been examined and stand rejected. Claims 1-4 and 10-14 are withdrawn from consideration.

Election/Restrictions

4. Applicant's election with traverse of claims 5-9 and 15-17 (Group II) filed on 12/26/2007 is acknowledged. The traversal is on the ground(s) that the examiner has not provided any rationale as to how the process recited in the claims of Group II can be practiced by another materially different apparatus than that recited in the claims of Group I, or that the apparatus as claimed can be used to practice another materially different process. The traversal is further on the ground(s) that the examiner has not established that a serious burden is imposed on the Examiner if the restriction was not made.
5. The examiner asserts that the claims of Group I, as written, establish at most, the structural requirement of memory in a system. A system comprising memory can be used for *many* different purposes other than performing budget consistency checks. A system with memory could be used to store media, host a web-server, play a video game, or conduct electronic commerce.
6. Further, the examiner asserts that while Group II, drawn towards performing budget consistency checks, would be classified in Business Methods class 705/35, Group I, drawn towards a system comprising memory *for storing data structures and a rule array*, would be classified in Database and File Management or Data Structures class 707/1. Due to their different classifications and because the prior art applicable to Database and File Management and Data Structures would not likely be applicable to a Business Method of Performing Budget Consistency Checks, the inventions as claimed will require a different field of search, posing a large burden on the examiner.
7. The requirement is still deemed proper and therefore made FINAL.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 20, 21, and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 20, 21, and 22, the following limitations are vague and indefinite:

- referencing nodes of both the first and second budget database using a single address pointer in the address field.

It is unclear as to how a single address pointer (assuming it holds a single address) is able to reference two different locations. For the purpose of this examination, the examiner interprets a single address pointer to mean a single entity that can point to or reference more than one item at a time.

As per claims 21 and 22, the following limitations are vague and indefinite:

- applying an indication.
- applying a field for definition of an aggregation rule

The examiner is unsure of what it means to *apply an indication* or to *apply a field for definition of an aggregation rule*.

Clarification and correction are requested.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3693

11. Claim(s) 5-9 and 15-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Zawadzki et al., U.S. Patent No.: 7,107,268, in view of Using Microsoft Excel 97, by Hallberg, Bruce A., Sherry Kinkoph, and Bill Ray (hereinafter UME).

Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

As per claims 5 and 15, Zawadzki teaches a system and method for managing enterprise operations directed toward a centralized, automated, self-maintained, collaborative project management system which manages project management objects in a hierarchical tree, comprising:

- receiving a budget item for entry into the working budget database, (see at least column 40 lines 21-26, column 41 lines 56-60, and column 45 lines 16-18)
- executing one or more rules on the item for entry (see at least column 40 lines 34-47 and column 41 lines 52-60)
- if any rule generates an error, blocking the budget item from the working budget database (see at least column 10 lines 34-35, column 10 lines 55-68, and column 41 lines 52-60)

While Zawadzki does disclose using pointers (see at least column 14 lines 21-23), test relationships (see at least column 40 lines 8-9, column 40 lines 34-36, and column 41 lines 43-52), and defined responses which depend on test relationship results (see at least column 40 lines 42-47, column 41 lines 11-21, and column 41 lines 56-58), Zawadzki does not explicitly teach:

- executing one or more rules, the rules including pointers to entries within the working budget database and the reference budget database, a definition of a test relationship that must be satisfied to satisfy the rule and a definition of a response to be made when the test relationship is not satisfied,

UME, however, teaches conditional rules used in analyzing budget items where the rules include pointers to both working and reference budget items, a definition of a test relationship, and a definition of a response to be made when the test relationship is not satisfied (see at least UME p. 204, paragraph(s) under IF, pp. 460-465, paragraph(s) under Validating User Input, and p. 216, paragraph(s) under Conditional Sum Wizard).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the teachings of Zawadzki and UME to form a budget management system which executes one or more rules on data, pointed to by a pointer, where the rule includes a conditional test and defined responses, which depend on the test results, because this "make[s] it easy to quickly see how values compare (see at least UME p. 204, 3rd paragraph under IF)," "lets you build formulas that can take different actions based on the contents of cell[s] (see at least UME p. 204, 5th paragraph under IF)," and helps ensure that data is valid, alerting users of issues or errors that require attention (see at least UME p. 460, 1st and 2nd paragraphs under Validating User Input, and p. 463, 1st paragraph under Setting Error Alerts).

As per claims 6,7, Zawadzki, in at least column 25 lines 15-24, column 38 lines 36-48, column 41 lines 11-21, column 41 lines 52-60, and column 43 lines 45-56, teaches:

- pursuant to execution of a rule, performing aggregation of addressed entries of the working database according to a definition provided in the rule, an aggregate value obtained therefrom being used to determine if the test relationship is satisfied.
- pursuant to execution of a rule, performing aggregation of addressed entries of the reference database, according to a definition provided in the rule, an aggregate value obtained therefrom being used to determine if the test relationship is satisfied.

In addition to the teachings of Zawadzki, as cited above, teachings relevant to these limitations can be found in UME on at least page 203, paragraph(s) under COUNT, COUNTBLANK, AND COUNTIF, page 208, paragraph(s) under SUM & SUMIF, and page 216, paragraph(s) under Conditional Sum Wizard.

As per claims 8 and 16, UME further teaches:

- if any rule generates a warning, posting an alert as specified in the response definition of the corresponding rule. (see at least UME p. 463-465, paragraph(s) under Setting Error Alerts and FIG. 19.13)

As per claim 9 and 17, Zawadzki further teaches:

- identifying elements within the working budget database that are to be changed by the new budget item, (see at least column 4 lines 42-47, column 23 lines 8-10, and column 25 lines 15-24)
- identifying rules for which the identified elements are operands, (see at least column 4 lines 42-47, column 23 lines 39-49, and column 25 lines 15-24)
- wherein the executing causes only the identified rules to be executed. (see at least column 4 lines 42-47, column 23 lines 8-10, column 23 lines 39-49, and column 25 lines 15-24)

As per claim 18, UME, in at least p. 204, paragraph(s) under IF, pp. 460-465, paragraph(s) under Validating User Input, and p. 216, paragraph(s) under Conditional Sum Wizard, teaches:

- identifying, by using an address field, locations from a first and second budget database from which budget value information is to be obtained (UME p.204 see "C10" and "D10")
- storing in a test field a definition of a relationship that must be met between values from the first data structure and values from the second data structure to satisfy the rule (UME p.204 see "C10>D10")
- storing in a response field a definition of an action to occur if the relationship is not satisfied (UME p.204 see "Overspent")

As per claim 19, Zawadzki, in at least column 14 lines 21-25, and UME, in at least p.204, "C10" and "D10," and pp. 467-469, paragraph(s) under Applying Range Names and Defining Label Ranges, further teach:

- addressing nodes of the first budget database using a first address pointer,
- addressing nodes of the reference budget database using a second address pointer.

As per claim 20, UME teaches assigning and using names to reference constants, equations, and ranges of items in a worksheet. The examiner interprets the single name to be equivalent to the single

address pointer in claim 18. The named range can span many cells in the worksheet, where each cell can reference a database.

As per claims 21 and 22, while the examiner is unclear as to exactly what is being claimed, the examiner believes Zawadzki's "financial rollup component" is applicable to the intended claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Shumate whose telephone number is 571-270-1830. The examiner can normally be reached on M-F 8:30 AM - 6:00 PM, EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Name: Paul W. Shumate
Title: Patent Examiner
Date: 3/3/08
Signature: /Paul Shumate/
Examiner, Art Unit 3693

/James A. Kramer/

Supervisory Patent Examiner, Art Unit 3693